

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHEASTERN DIVISION

Leonard Daucsavage,

Plaintiff,

vs.

Michael J. Astrue, Social Security  
Administration Commissioner,

Defendant.

**ORDER ADOPTING  
REPORT AND RECOMMENDATION**

Civil File No. 3:09-cv-59

Before the Court are Motions for Summary Judgment filed by both parties, or in the alternative, Plaintiff has moved for remand for additional administrative proceedings. (Docs. #13, #16). Plaintiff initiated this action under 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Commissioner of Social Security denying his application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401-33, and for denying her application for supplemental security income under Title XVI of the Social Security Act, 42 U.S.C. §§ 1381-83(c). (Tr. 14-27).

The Court has received a Report and Recommendation (Doc. #19) from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that

the decision of the Commissioner be affirmed. No party has filed an objection to this recommendation within the requisite time period pursuant to Rule 72(a) and (b), Federal Rules of Civil Procedure, and District of North Dakota Local Court Rule 72.1(d)(2) and (3).

The Court has reviewed the Report and Recommendation, along with the entire file, and finds that the Magistrate Judge's position is correct. Accordingly, the Court hereby adopts the

Report and Recommendation in its entirety. The decision of the Commissioner is **AFFIRMED**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated this 20th day of July, 2010.

/s/ Ralph R. Erickson  
Ralph R. Erickson, Chief District Judge  
United States District Court